



Entered on Docket  
May 19, 2011

  
Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Seventh Omnibus Objection  
Of USACM Trust To Proofs Of Claim Based  
In Whole or In Part Upon Investment In The  
Oak Shores II Loan**

Hearing Date: May 9, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Seventh Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Oak Shores II Loan ("Oak Shores") [DE 8310] (the "Objection"); the Court having heard the Objection on May 9, 2011; appropriate notice of the Objection having been given; no responses to the Objection having been filed; the Court noting on the record that the disallowance of

1 the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the  
2 borrower or from the collateral securing the Oak Shores II Loan; and good cause  
3 appearing:

4 **IT IS ORDERED** that:

- 5 1. The Objection [DE 8310] is sustained; and  
6 2. The claims listed on **Exhibit A** attached are disallowed in whole or in part,  
7 to the extent that those claims are based upon an investment in the Oak Shores II Loan.

8  
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11  
12 By /s/ John Hinderaker  
13 Robert M. Charles, Jr.  
14 John Hinderaker (*pro hac vice*)  
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*Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

       This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

       I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

       I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker

Attorneys for USACM Liquidating Trust

# # #

Oak Shores II (John E. King)  
Multiple Loan Claims

Claim #	Date Claim Filed	Name	Total Claim Amount Relating to Oak Shores II (John E. King) Loan	Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King) Loan	Approximate Amount Subject to Objection Because it Relates to an Investment
					In the Oak Shores II (John E. King) Loan
10725-01872	1/8/2007	Susskind, Robert 9900 Wilber May Pkwy #206 Reno, NV 89521	306,214.00	50,000.00	10,033.44
10725-02291	1/12/2007	Terry R Helms Living Trust Dtd 11/11/94 Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	11,155,754.80	1,000,000.00	200,668.90
10725-02481	6/4/2007	Tobias Von Euw Revocable Trust Dated 11/23/04 C/O Tobias Von Euw Trustee Sun City Aliante 7431 Lintwhite St North Las Vegas, NV 89084-2500	1,468,967.93	50,000.00	-
10725-00437	10/4/2006	Toombes, Patsy Po Box 11665 Zephyr Cove, NV 89448	371,435.14	100,000.00	-
10725-00271	9/27/2006	Tuch, Cary & Carol 11445 Gerald Ave Granada Hills, CA 91344-3623 Universal Management Inc A Nevada Corp 8080 Harborview Rd Blaine, WA 98230	100,000.00	50,000.00	10,033.44
10725-02123	1/11/2007		1,438,118.00	50,000.00	39,966.56

**EXHIBIT A**

Oak Shores II (John E. King)  
Multiple Loan Claims

Claim #	Date Claim Filed	Name	Total Claim Amount Relating to Oak Shores II (John E. King) Loan	Unremitted Principal to be Allowed as Claim Relating to the Oak Shores II (John E. King)	Approximate Amount Subject to Objection Because it Relates to an Investment In the Oak Shores II (John E. King) Loan
		Total Claim Amount			
10725-02318	1/13/2007	USA Commercial Real Estate Group C/O Jeffrey R Sylvester Esq Sylvester & Polednak Ltd 7371 Prairie Falcon Rd, Ste 120 Las Vegas, NV 89128	10,719.49	204.78	-
10725-01694	12/11/2006	Wahl, David Po Box 8012 Mammoth Lakes, CA 93546	289,414.18	50,000.00	-
10725-02315	1/13/2007	Wahl, David C Po Box 8012 Mammoth Lakes, CA 93546	144,224.96	50,000.00	-
10725-01412	12/4/2006	Wildwater Limited Partnership C/O Eric Ronning P.O. Box 7804 Incline Village, NV 89452	42,884.61	10,033.44	10,033.44

**EXHIBIT A**